IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE

CRIMINAL APPLICATION NO. 3405 OF 2007

1. M/s. Vitesse Connections
2. Smt. Rama Garg .... Applicant

versus

1. Kantilal Chhogalal Soni
2. The State of Maharashtra ..... Respondents.

Shri I.B.Singh for the petitioners
Ms. S.V.Gajare APP for the respondents.

CORAM; A.P. DESHPANDE, J.
DATED; 20TH NOVEMBER, 2007

P.C.;

1. The present applicant Smt. Rama Garg has been convicted of an offence punishable under section 138 of Negotiable Instruments Act and has been ordered to suffer Simple Imprisonment for one month and to pay a fine of Rs.5000/-, in default to suffer further S.I. for one month. In addition, the applicant/accused is directed to pay compensation of Rs. 1,50,000/- to the complainant. The judgment and order passed by the learned Metropolitan Magistrate, 28th Court, Esplanade, Mumbai dated 26-9-2005 has been confirmd by the dismissal of appeal, by the Court of Sessions and against the said appellate order, the present application has been moved seeking leave to file an appeal.

2. During pendency of these proceedings, both the parties have resolved the dispute by entering into a settlement out of the court. The learned counsel appearing for the respondent no.1/complainant admits that the complainant has received a sum of Rs.1,50,000/- which was directed to be paid by way of compensation, though the said fact is not mentioned in the Consent Terms. In view of the settlement of the dispute, Consent Terms are placed on record and a joint prayer is made for disposal of the matter in Consent Terms. The parties have also moved an application seeking permission to compound the offence. The application seeking permission to compound the offence is allowed and disposed of. The application seeking leave to file appeal stands disposed of in Consent Terms.

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